

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALBERT T. BEANE, JR.,  
:

Plaintiff,  
:

v.  
:

THE BANK OF NEW YORK MELLON, BNY  
CONVERGEX EXECUTION SOLUTIONS LLC  
and CALLAN ASSOCIATES, INC.,  
:

Defendants.  
:  
:  
----- x

07-cv-9444 (RMB)

**DEFENDANTS' NOTICE OF MOTION FOR ADDITIONAL PAGES**

The Bank of New York Mellon, BNY ConvergeEx Execution Solutions LLC, and Callan Associates, Inc. (collectively, "defendants"), hereby move for additional pages for its Joint Memorandum Of Law In Support Of Their Motion To Dismiss And In Opposition To Plaintiff's Motion To Certify Class Of ERISA Plans.

Under this Court's Individual Practices, "[m]emoranda of law in support of and in opposition to motions are limited to **25 pages**." Individual Practice 2.C. (emphasis in original). If Callan and the BNY defendants had filed two separate memoranda in support of two separate motions to dismiss plaintiff's complaint, as well as two separate memoranda in opposition to plaintiff's motion for class certification, defendants' papers could have totaled up to 100 pages. The defendants, however, have complied with this Court's instruction to make all their arguments in a single memorandum, and have worked diligently to present these arguments in as succinct a manner as possible. Because the defendants wanted their arguments to be clear and

thorough, however, and because certain arguments applicable only to Callan or the BNY defendants required additional space, the memorandum filed today with the Court totals 63 pages.

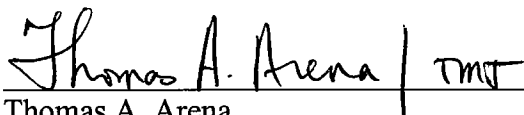
At oral argument during the status conference on December 18, 2007, this Court expressed its willingness to grant the defendants relief from the page limitation, if necessary. *See* Tr. of Oral Argument 5:20-22 (Dec. 18, 2007). Although defendants believe that they have complied with the spirit of this Court's Individual Practices, out of an abundance of caution we respectfully move for additional pages to file our joint memorandum. Counsel for the plaintiff has advised that plaintiff does not oppose this motion.

DATE: March 14, 2008



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**CERTIFICATE OF SERVICE**

I, Paul Blankenstein, hereby certify that on this 14th day of March 2007, I caused copies of the foregoing Notice of Motion for Additional Pages by Defendants The Bank of New York Mellon, BNY ConvergeX Execution Solutions LLC, and Callan Associates, Inc., to be filed electronically with the Court and served this same day via the Court's ECF notification system upon the following:

**Gregory Y. Porter**  
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Date: March 14, 2008

A handwritten signature in black ink, reading "Paul Blankenstein", is written over a horizontal line.

Paul Blankenstein  
Gibson, Dunn & Crutcher